

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
Form 7. Mediation Questionnaire**

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form07instructions.pdf>

9th Cir. Case Number(s)

Case Name

Counsel submitting this form

Represented party/parties

Briefly describe the dispute that gave rise to this lawsuit.

This proceeding concerns the decommissioning of the San Onofre Nuclear Generating Stations ("SONGS") and the burial of spent nuclear fuel at SONGS pursuant to a decommissioning plan that falsely assumes spent nuclear fuel will be stored at SONGS only temporarily. Public Watchdogs filed a petition with the NRC pursuant to 10 C.F.R. 2.206, requesting that the NRC: (1) immediately suspend all decommissioning activities at SONGS, including all spent nuclear fuel transfer operations; and (2) order the SONGS licensees to submit an amended decommissioning plan that properly accounts for the reality that spent nuclear fuel will be stored at SONGS indefinitely. The NRC denied the 2.206 Petition, and Public Watchdogs timely filed a Petition for Judicial Review of the NRC's decision in this Court. In addition, Public Watchdogs filed a Motion for Temporary Injunctive Relief Pending Judicial Review which remains pending before the Court.

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Briefly describe the result below and the main issues on appeal.

The NRC erroneously rejected Public Watchdogs' 2.206 Petition without even considering the primary issues raised in the Petition. The main issues in this petition for judicial review include: (1) whether the NRC's general policy of allowing nuclear power plant licensees to store spent nuclear fuel indefinitely at locations throughout the country (pursuant to falsely predicated decommissioning plans) is so extreme as to amount to an abdication of its paramount statutory responsibility to protect the public from nuclear accidents; and (2) whether the NRC arbitrarily and capriciously denied Public Watchdogs' 2.206 Petition by, among other things, failing to adhere to its own regulations and failing to consider the primary issues raised by Public Watchdogs.

Describe any proceedings remaining below or any related proceedings in other tribunals.

No directly related proceedings remain pending before the agency. A related proceeding in this Court is *Public Watchdogs v. Southern California Edison Company, et al.*, Case No. 19-56531 (9th Cir.), which argues that the NRC and SONGS licensees violated federal and state law in July 2019 by transferring deadly spent nuclear fuel to underground storage at San Onofre State Beach. The Circuit Mediator released the case from the Mediation Program (Dkt. 15), and the Court granted expedited briefing. Oral argument is scheduled for June 3, 2020.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

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